

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

THE VR SCHOOL, et al.,

Plaintiffs,

v.

CALIFORNIA DEPARTMENT OF  
EDUCATION, et al.,

Defendants.

Case No. [23-cv-06286-SI](#)

**ORDER: SETTING ASIDE  
JUDGMENT; REOPENING CASE;  
ORDERING PLAINTIFF TO FILE A  
NEW IFP APPLICATION**

Re: Dkt. No. 11

Self-represented plaintiff Freedom Cheteni has filed a document titled, “Emergency Application: Petition to Reopen Case.” Dkt. No. 11. The motion explains that the VR School no longer has a “live controversy” and that Mr. Cheteni has been denied a due process hearing. Mr. Cheteni requests that the Court reopen the case and issue an Order to Show Cause to “OAH” and the U.S. Department of Education “as to why they should not be held in contempt of court for failing to provide the constitutional due process hearing.” The Court construes this motion as a motion to set aside the judgment the Court entered against plaintiff (Dkt. No. 10) and reopen the case. So construed, the Court GRANTS the motion to set aside the judgment and reopen the case. *See* Fed. R. Civ. P. 60(b)(1) (allowing the court to relieve a party from a final judgment due to excusable neglect).

Mr. Cheteni is further ORDERED to (1) clarify that only he, the individual plaintiff, remains in the case, and if so, to file a new IFP application or (2) if the corporation the VR School is still in the case, the VR School needs to be represented by a lawyer and pay the filing fee for the case to move forward (and Mr. Cheteni must still file a new IFP application). Plaintiff is ORDERED to comply with either (1) or (2) by **September 17, 2024**.

The Court ORDERS plaintiff to serve the defendants no later than **September 30, 2024**, after complying with (1) or (2) in the previous paragraph.

1 The Court informs plaintiff that information on how to represent yourself, including  
2 information on serving defendants, is available in the district court's handbook Representing  
3 Yourself in Federal Court, available on the court's website at: [https://cand.uscourts.gov/pro-se-](https://cand.uscourts.gov/pro-se-litigants/)  
4 [litigants/](https://cand.uscourts.gov/pro-se-litigants/).

5 The Court also advises plaintiff to contact the Legal Help Center (a free service of the  
6 Volunteer Legal Services Program) by calling 415-782-8982 or emailing [fedpro@sfbar.org](mailto:fedpro@sfbar.org) to get  
7 information about how to request a summons from the Clerk and how to serve the summons and  
8 complaint.

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10 **IT IS SO ORDERED.**

11 Dated: August 20, 2024



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SUSAN ILLSTON  
United States District Judge